

REMARKS

Restriction Requirement

The examiner has requested restriction to what he believes in one of three inventions as follows:

- I. Claims 1-16, drawn to a hydrotherapy jet;
- II. Claims 17 and 18, drawn to a cap with a discharge member; and
- III. Claims 19-21, drawn to a method of providing hydrotherapy.

The examiner thereafter found that the application contains claims directed to the following patentably distinct species of the claimed invention:

Species I: Figs. 1-8; and

Species II: FIGs. 10-11

Still thereafter the examiner found that upon election of Species I, a further election of one of the following sub-species is required:

Sub-species A: Fig. 2 (element 10); and

Sub-species B: Fig. 4.

Applicant respectfully submits that this restriction requirement is overly complex, confusing and burdensome, particularly in light of the relatively uncomplicated subject matter of the present application. The present application discloses a hydrotherapy jet that is used in spas and contains claims drawn to the jet.

Applicants respectfully disagree with the examiner's apparent finding that there are no generic claims. Claim 1

Appl. No. 10/611,475
Amdt. Dated February 3, 2005
Reply to Rest. Req. of December 3, 2004


reads on claims 2-16 and 17 and 18. So all these claims should be examined on a finding that claim 1 is allowable.

Claim 1 also reads on the species and sub-species as defined by the examiner. Applicants respectfully request reconsideration of this restriction requirement as it relates to claims 1-18.

Applicants, however, elect claims 1-16 for further prosecution in the event that the examiner is not persuaded to consider claims 1-18.

Respectfully submitted,

February 3, 2005



Jaye G. Heybl
Attorney for Applicants
Registration No. 42,661

Koppel, Jacobs, Patrick, & Heybl
555 St. Charles Drive, Suite 107
Thousand Oaks, CA 91360
Phone 805 373 0060
Fax 805 373 0051